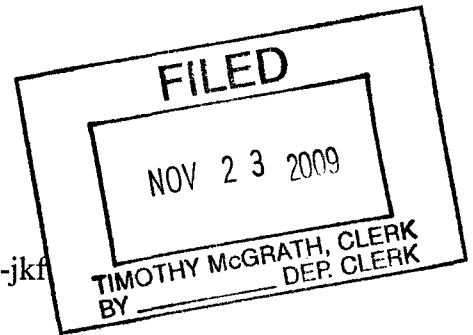


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In the United States Bankruptcy Court
For the Eastern District of Pennsylvania
Philadelphia Division



..... § No: 09-18717-jkf
IN RE: VIRGIL F. LIPTAK, §
§
PETITIONER. § Chapter 7
§
..... §
§ Hon. Jean FitzSimon

**OBJECTIONS TO DELAYED NOTICE OF “MISSING” INFORMATION,
REQUEST FOR APPROVAL/EXCEPTION TO FILE ELECTRONICALLY AND
REMINDER OF FILING (AT TIME OF FILING PETITION FOR RELIEF)
OF THE PRESCRIBED AND SWORN INFORMATION I.E., LIST OF
CREDITORS AND REQUEST FOR TEMPORARY WAIVER
OF THE CREDIT COUNSELING REQUIRMENT**

To: The Honorable Judge FitzSimon or her Clerk, if authorized:

PLEASE TAKE NOTICE that, I Virgil Liptak am the *Petitioner* in the above titled and numbered bankruptcy as captioned above. I submit these grounds in fact and law or equity, for relief, to wit:

- 1) On Saturday afternoon, November 21, 2009, I received by mail [envelope without postmark] a non-signed Order from the Clerk (appearing to be a form letter) suggesting that I have not filed certain documents that are now due on the first business day after receipt (one of which is a request for waiver of the credit counseling requirement). The other was a so-called Matrix.
- 2) I object to the Order because I did provide [in all substantive ways (and in the proper form for the waiver)] the information that is now suggested as missing, as more fully described below.
- 3) Since I have utilized the PACER system successfully since 2004 without complaint under the user name Public Legal Education Associates, I am qualified to file electronically.
- 4) I asked the Clerk to file-stamp my signature page of the aforementioned Request for Waiver form and she did. I attach hereto as my Exhibit A, an exact copy of such for convenience of the Court and to prove that I had complied with all federal and local rules.
- 5) Out of abundant caution, and good faith, I have amended my Creditor List and now title it a Matrix attaching hereto, in the format of the Local published Rules now as my Exhibit B.
- 6) I further object to the unfair prejudice by delay of the notice by the Clerk, since I would have welcomed her notice of any deficiency at the time of her filing to cure it right then and there.

- 7) I further object to such Notice since I am deprived of the equal protection and right to file any "missing" information electronically/immediately as may be necessary.
- 8) I further object to such Clerk's/Court's Notice since [with less than one business day to comply] it is unreasonable if not impossible to expect the U.S. Mail, even by my working on Saturday (a day that the Clerk, the Judge and, most all other Americans are expected to do no work) even with paying an otherwise unnecessary cost of Express Mail on Saturday, as there is no guarantee it will be received and timely filed by the Clerk, through no fault of mine *viz.*
- 9) Upon exhaustive research, it appears that my List of Creditors is deficient only as to its computer or word processor "format" and only because the Clerk did not require me to scan my own documents, as clerks in other courts have provided a scanner and other means to do so right then and there. Indeed, I had a computer in my car that I could have easily reformatted the document had I received timely notice from the Clerk, without which I conclude she and the Rule are without support in any sound substantive principle of law or public policy.
- 10) The imposition of filing the so-called "Matrix" in seven days is an unfair and unreasonable barrier to relief in this District since it is one half of the time allowed in other districts and since any of a number of federal employees [paid to serve such public/taxpayers such as myself] could have typed the few creditors names and addresses [as were provided at filing] in whatever format they wished, thereby earning their salaries while saving the bankrupt pro se filer from patently illegal, unfair and unreasonable conditions of hiring a lawyer [before, in this case, filing an emergency petition] or the otherwise impossible condition of being able to read Clerk's minds to seek relief intended as "automatic" by the U.S. Congress.
- 11) Such Seven day local rule is otherwise unreasonable and per se arbitrary because it puts more weight on form than substance which is repugnant to the 5th Amendment guarantee of "due" process. In short, there is no substantive public purpose of demanding a debtor (who in many cases may not own or even know how to operate a computer or word processor) do what clerks are hired specifically by the People to do [for them] as a society including debtors.
- 12) Such Local Rule is against manifest public policy and it does not conform with the spirit of the Federal Rule 1007 which itself appears to violate the substantive intent of the whole Bankruptcy Code which controls. Since such Code dictates Bankruptcy Court as one of equity, it is inequitable to demand the common person to be as knowledgeable or skillful as a lawyer or an insider of the courts, before seeking automatic relief from oppressive creditors.
- 13) Such local Rule is unfair since it appears to arbitrarily and unreasonably shorten the time for filing such documents by one/half over the other districts or time limits, while the Clerk never asked for anything called a Matrix, at time of filing, which I would have provided to her.
- 14) I would be filing such documents by email [i.e., electronically] but for this Court making no published provision or means for non-lawyers to do so. I object to the official policy of exclusion of non-lawyers from filing electronically as a violation of the 14th Amendment's equal protection of the laws.
- 15) I have since consulted an attorney who reviewed what I had previously filed (that had been placed on the PACER/ECF system.

- 16) Such Attorney agreed with me that I had indeed filed a request for temporary waiver of the credit counseling requirement and set forth [within the space provided by the on-line Adobe service] why the Clerk/Court should grant such.
- 17) Out of abundant caution, I hereby remind the Court of such document and renew such sworn grounds standing ready to address any question of the Trustee or the Honorable Judge, if a motion or order demands it.
- 18) I intend to comply with the requirement to attend an approved course within the time allowed for completion, which I understand to be 30 days from filing.
- 19) I intend to provide all other documents in a timely fashion.

Conclusion and Request for Relief

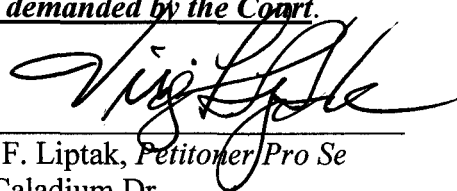
I incorporate all foregoing facts, under penalty of perjury, and legal grounds relied upon or as are readily apparent. Since no creditor can reasonably object to my objections, reminders and requests made and/or reasonably construed as intended, I ask the Court or its Clerk if authorized to afford such relief, as set forth above *sua sponte*, without necessity of notice and hearing.

Attached and incorporated herein by reference and offered as proof of compliance and for filing:

Exhibit A: Exact copy of my sworn request for temporary waiver of counseling requirement

Exhibit B: My amended or renamed and reformatted **MATRIX as demanded by the Court.**

Respectfully submitted : _____


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